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Ministerial Prejudices

In favour of the

CONVENTION,

EXAMIN'D and ANSWER'D.



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MINISTERIAL ARGUMENTS, &c.

THE are few Periods of the *English* History more interesting to every Man who withes well to his Country than the present. It is therefore of the greatest Consequence to the Public to judge cooly and impartially of the Measures pursued by the Administration ; to regard *Things* not *Persons*, and to be as little prepossessed in favour of the *Opposition* as of the *Ministry*. In this Paper, therefore, I shall endeavour candidly to examine whether the almost universal Opposition to our late pacific Measures is owing to popular Prejudices, or is the Result of that Enquiry founded on Reason, which a free People has a Right to make into those Measures that immediately concern their *Property*, and may in the End affect their Liberties.

Prejudice, when it is used to express an *Affection* of the Mind, signifies a Man's being determined for, or against one Side of a *Question*, without giving an impartial Hearing to what can be urged on the other ; and is more properly defined to be an Error of the *Will* than of the *Judgment*. Therefore, popular Prejudices against Measures pursued by Government proceed from an unwillingnes in a whole People, to believe, that it is possible for their *Governors* to act right, a Case that very seldom happens ; the Prejudice being commonly very strong in favour of the Government, except

when they find by Experience that their Governors in all former Instances have acted egregiously wrong. However, as it is possible for a Government by one subsequent Measure to remove the Effects of many preceding Blunders, is it reasonable the People should give a fair Hearing to both Sides of the Question. I am far from making any Application of what I have said before, and am far from thinking the People of *England* to be prejudiced against their Governors, because I hope they never gave them Reason. But as a strong Opposition has been made by the whole Body of the *English* Nation to the late Convention, I shall take the Freedom to examine into the Motives of this Opposition, and, at the same time, take a View of the Arguments urged to prove it the Effect of popular Prejudices, in some late ministerial Pamphlets, particularly one, entitled, *Popular Prejudices against the late Convention with Spain, examin'd and answer'd.*

The *British* Nation, after suffering a Series of Insults and Injuries, applies to the Court of *Spain*, through the Mediation of a powerful Fleet, for past, and Security against future Interruptions of her Trade. The Ministers who have the Charge of this Negotiation are authorized by the most ample Instructions from his Majesty; they are supported by the warmest Resolutions of Parliament, and encouraged by the general Voice of the People, who call aloud for an immediate War or a safe Peace.

Peace. No Concurrence of Circumstances could have been more favourable to the Ministry, either for healing up the past Wounds of the Nation, for retrieving any inconsiderable Steps they themselves might have taken, or for reconciling the Measures of his Majesty's Government to the Affections of his People. The Nation, with unprecedented Patience, have repressed the Impetuosity that is so natural in a suffering People, implicitly relied on the Administration, chearfully applauded its Measures, and for eight Months, without almost a Murmur, waited the Event : What is the Event ? The Court of *Spain* tells us, We are willing to consider your Complaints, and accordingly we shall appoint two Ministers, who shall meet with two more appointed by your Court, and those four shall lay their Heads together, in order to find out, if the Meaning of the Treaties betwixt us and you is according to the express Words of these Treaties. As if the *French*, the *Latin*, the *Spanish*, and *English* Languages had, within these threescore Years, grown so obsolete that different Ideas were now affixed to the same Words.

The same Court tells us, Your Parliament has indeed found a Sense belonging to the Words of these Treaties ; but we are far from being of their Opinion : However, that likewise shall be referred to the *Gentlemen* the Plenipotentiaries, who shall decide whether your Parliament is in the right or not ; as for your

Claim, we shall consider of that likewise. In the mean time, to stop the Clamour of your Merchants we have already balanced Accounts, and we find that after Deduction of our Claim, we have plunder'd you of about Ninety Five Thousand Pounds, which we are willing to pay you in full of all Demands, *viz.* for the Insults offered to your Crown, the Indignities done to your Flag, the Interruptions of your Trade, the Imprisonment of above five Hundred of your Subjects on unjustifiable Pretences, and mangling their Persons : But at the same time you are to remember, that we come into these Terms, only on Condition that your *South-Sea Company* pay us Sixty Eight Thousand Pounds due to our Crown.

This would look like a Burlesque of a Negotiation, were not the Authority for viewing every Step of it in this Light too great to be questioned ; but every Man of common Sense may be appealed to, if this is not plainly the Language that has been spoken on the part of *Spain*, during the Course of this Negotiation, clogged with this Protest. Any Man of the most refined Sense may be challenged to find out another Meaning in the most favourable Concessions she has made to *Britain*.

To shew how unreasonable as well as ridiculous this Claim of the King of *Spain* is, we shall take a very short View of the State of Accounts betwixt him and the *South-Sea Company*. At the same time, I own my self obliged

liged for this State to a more able and judicious Hand, who has published some Observations wherein that Affair is more largely treated.

In the Year 1718, we find the Damages done to the Company by the King of *Spain's* seizing their Effects amounted by their own verified and attested Accounts to about 225,000 Pounds Sterling. And this too, after all the Deductions their Officers made.

In the Year 1727, the Seizure of the Company's Effects made by the *Spaniards* amounted to 112,000 Pounds, and both this Seizure and the last mentioned were to be restored to the Company by a Treaty made in the same Year, but never performed ; so that the Company has a clear and indisputable Claim upon his Catholick Majesty of at least 337,000 Pounds Sterling.

From what has been said, I believe, it will be hard to find in all History a Piece of Insolence parallel to this, imposed by the most haughty Conqueror, upon a ridiculed, abject, dispirited People ; nay, tho' that had been our Case, a generous Conqueror would not have imposed such Terms, as from the Beginning to the End of this Negotiation, the *Spanish* Court has imposed upon the *British* Nation. That Prince has in Effect cleared his Debts by a Statute of Bankruptcy, for near 400,000 Pounds, and at the same Time he pretends to sue his Creditors for little more than the eighth part of that Sum. This is again so ridiculous, that

one could not tell it as a common Story happening betwixt Man and Man with a grave Face ; yet this very Scene has been acted by the Ministers of two contrary Powers treating on an equal footing, and the Minister of the injured People backed by a formidable Fleet, who had nothing to fear, but from the weak Concessions of their own Court ; and every Thing to hope, to which a just Cause, an undaunted Courage, a generous Alacrity, together with an unparalleld Patience under Provocations, can be entitled.

Let us now take a View of the manner in which the *British* Nation had a Right to expect this Negotiation should have been conducted.

If we are to form a Judgment of this from the Maxims of common Equity, we shall find that Event an absolute Concession of our Right, to navigate from one part of his Majesty's Dominions to another ; we shall find that even an absolute Concession of an Exemption from all Search ; we shall find that even an adequate Compensation for all our Losses, is not sufficient to satisfy that common Justice which forms the Basis of publick Faith, as well as of private Virtue. If a Man should attack his Neighbour's House, rifle it, cut and mangle both the Master and his Servants, and without the least Colour of Justice drag him to a loathsome Confinement, where he must live as the Discretion of his merciless Oppressor shall permit

mit him ; if afterwards the aggrieved Party shall recover his Liberty, and shall be in a Condition to bring his Oppressor to Justice, I fancy even a *Special* Jury would find more Damages for the Plaintiff than a bare Restitution of what had been taken from him, and the Defendant's being bound over to his future good Behaviour, amounts to. They would consider the Outrages done to the Laws of Society, the Loss not only of his Limbs, but likewise the Interruption of the Plaintiff's Trade, his Loss of Time, and other personal Injuries done him, and find their Verdict accordingly.

Such are the Considerations that enter into the Case of a Trespass or a Riot in common Life ; they hold equally good in Cases of a more national Concern ; only the latter is attended with one aggravating Circumstance, which can have no Place in private Affairs ; and that is, the Insult done to the Dignity of that Crown to which the injured Party is the natural Subject. This Insult is the greater if repeated, if after the Motives, upon which the Injury is grounded, are disowned by the Sovereign of the offending Party, the Offender not only enjoys the Protection but the Encouragement of his Sovereign. The Retrospect that arises from these Considerations is too affecting for any Man, who reflects on the Figure this Nation formerly made in *Europe*, to indulge it. But as one Idea of Indignation awakens

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another, I cannot help closing this Paragraph with this Reflection ; that so far as appears to the World from the Acts of the Ministry, not one of these Villains have been yet required to be delivered up to Justice ; instead of appearing conscious of their Guilt they triumph in their Success ; and instead of being hanged up as Monuments of *British* Resentment, they appear protected, commission'd and advanc'd as Monuments of *Spanish* Insolence, and ministerial Forbearance.

But as I am unwilling to conceal the least Argument that can serve to justify the Conduct of the Administration during our long Course of Negotiations with *Spain*, I shall here take Notice of one or two Arguments more which I have met with, either in Conversation, or ministerial Pamphlets and Papers, in Justification of our late Measures.

It is said, that we are not the only People in *Europe* who have Reason to complain of the *Spanish* Insolence and Injustice ; that the *French*, powerful as they are, have suffered in their Turn, and that the *Dutch* have greater Reason to complain than our selves.

That *French* Ships have been seized by the *Spaniards* I make not the least question ; Nay, I do not doubt but that the *French* Ministry have even refused to reclaim them. But then we shall find that these Seizures were all *lawful*, and none of them made on the open Seas, far less in sailing from one part of the *French*

Dominions to another. In such Circumstances no wise Government will interest her self in reclaiming a Capture ; for, as I hinted before, no Government will be so impolitic as to cut out to her Subjects any new Canals of Trade that are inconsistent with the Sense of Treaties, or the Law of Nations. This, were there no other, is a sufficient Proof, that *Spain*, while she confines her Conduct within these Bounds, is always safe in the Possession of her *American* Acquisitions.

As to the *Dutch*, there is no doubt but that *Spain* has been guilty of very gross Violations of her Treaties with the States General. But to what is that owing ? It is owing to the too well grounded Opinion they have of the Divisions that subsist in that State, and of the present ill Condition of their Revenues and Navy, but this is not the Case with Regard to *Great Britain*. However low her Trade, and however high Parties run amongst us, we still have a Navy as formidable as ever, there still subsists in the Nation a Spirit that breathes a just Revenge, and in this we are unanimous, however as to other Points we may be divided. Were this the Case with our Neighbours the *Dutch*, did their Government burthen its Subject, with Taxes too heavy for their low Circumstances, in order to enable them to exert themselves with becoming Resolution, I am persuaded they would at least have struck one Blow, and made one Struggle before they had

departed from those Rights that once made them *great*, and still preserves them *independent*. If the People of *Britain* are poor and declining, if her Debts are high, and her Taxes heavy, these are Inconveniences to the Subject, but none to their Government; our Ministers have as large Pensions, our Navy is as well paid, our Troops as well clothed, and our Officers as well powder'd as ever. But if the *Dutch* have put up with any Injuries, they have not the additional Hardships of suffering almost as much by expensive and ineffectual Methods of seeking Redrefs, as from the Injuries complained of. Nor indeed would it have been very adviseable for them at this Juncture to have overstretched their publick Credit to obtain Satisfaction; they acted much more wisely in looking on and waiting the Event of our Armaiments and Negotiations; for they were sure to reap the Fruit, and to share in all the Advantages we obtained by either. Besides, if the Accounts we have for some time past received of their Conduct are true, they have not so tamely submitted to the *Spanish* Insolence, but have taught them what it is to suffer as well as to injure.

But of all the Advocates for the *Spanish* Measures in her most extravagant Claims and Practices, none has yet equalled the Author of a Pamphlet published a Day or two ago, entitled, *Popular Prejudices against the Convention and Treaty with Spain, examin'd and answer'd*. This Author would impose not only on the

Sense of the Nation, but on the Sense of all Mankind. He takes great Pains to convince us that we have been as much in the Wrong to *Spain* as she has been to us, tho' he does not bring one Proof to support his Assertion: But admitting all he says to be fact with Regard to Cruelties and Robberies committed by the *English* on the *Spanish* Subjects, it can have no Place in the present Question. They, who were guilty of these Excesses upon the *Spaniards*, were, by his own Account, deprived of the Protection of our Crown, and cast out from the Rights of *British* Subjects. Therefore there can be no Parallel drawn betwixt that and a Case wherein the Crown of *Spain* avows, aids, and abetts her Pirates, promotes them, and imputes the most cruel Excesses they can be guilty of towards the *British* Subjects to them as a Merit. If I were, like this Author, to advance Facts upon Hear-say, I could tell him, that the very Man who cut off Capt. *Jenkins's* Ear was afterwards promoted from being a simple Boatswain to the Command of a considerable Ship belonging to the Government of *Spain*, without any other Merit to recommend him, except his being the Author of that inhuman Cruelty.

As to the Account of Commodore *Jennings* and his Crew, as this Author represents the Matter, it is no more to the present Purpose than if he had given us an History of Mr. *Turpin* and his Tribe. The Crown of *England*

was no sooner informed of his Practices than it immediately issued out a Proclamation, proclaiming him and his Associates Traitors? Has the Crown of *Spain* served any of its Pirates so? Has she thrown them out of her Protection, or even disowned the Principles that induced them to commit such Barbarities?

The next Instance this ministerial Writer produces is altogether foreign to the Purpose, and carries with it every Mark of Forgery; no Time, no Place, no Name is mentioned, tho' the Improbability that attends this Story required that it should be attested by the most minute Circumstances. As it is, it can only deceive the Simple, and will make a most excellent Story for a *Spanish* Martyrology; and the Author may stand as fair a Chance for the Veneration of their Clergy, as his Patrons stand for the Contempt of their Court.

I shall not trouble the Reader with a Repetition of the same Thing over and over again, but only once for all observe, that in writing or speaking upon political Subjects, the unjustifiable Conduct of particular Persons ought entirely to be thrown out of the Question; but when that Conduct is authorized by a Prince, we are no longer to consider it as of a private Nature, we are to view it as the publick Act of the Crown who authorizes it, and it becomes the proper Object of political Inquiry and national Resentment. No Instance can be given of

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our supporting any of our Subjects in their Depredations or Cruelties upon *Spain*, no Instance can be given of *Spain's* discountenancing one of her Subjects in their Depredations or Cruelty upon us. Therefore this Author imposes upon the common Sense of Mankind by bringing these doubtful Instances of *British*, to counterbalance the many certain Instances of *Spanish* Violence, unless he could make the Conduct of the two Nations in every other respect parallel.

The same Author has attempted to prove a Point hitherto untouched by any of the Writers on the Side of the Question he defends; and has gone so far, as absolutely to contradict the positive Resolutions which both Houses of Parliament came to last Session, by his endeavouring to prove, that a *British* Vessel is subject to a Search on the open Seas. This perhaps is one of the strongest Instances of the Licentiousness of the Press that this Reign has produced. We here see an Author attack the Rights of a free-born People. We see him oppose the Sense of a Legislature zealous for these Rights, and endeavouring to seduce the People to give them up. If abusing a Court or a Ministry has drawn upon a Writer the Penalties of the Law, and if these Penalties have been inflicted with unrelenting Severity, what Penalties and what Indignation are not due to a Writer, who libels the whole Body of the

the Legislature, and would pervert the common Sense of the People.

Nor is the Doctrine he has advanced more presumptuous than the Arguments he has adduced are ill grounded. He goes *their* common way to work, and runs the Parallel between Facts where Circumstances are entirely different, and forms Conclusions that are false, even tho' Circumstances were the same. He appeals to the manner in which Navigation is carried on in the *European* Seas to justify the *Spanish* Pretences to their searching our Ships on the *American*. Very syllogistical truly ! We have a Right to search the *Spanish* Ships on our Coasts in *Europe*, to which, a general Trade with the *Spaniards* is allowed, with a Prohibition of particular Kinds of Commodities ; therefore, the *Spaniards* may search in the same manner on the *American* Seas, where all Trade betwixt the two Nations is illicit, and all Commodities equally prohibited.

I should be glad to know what the Object of the *Spanish* Search is. Is it for *Spanish* Specie, or for Commodities the Product of their Plantations ? It is notorious that if our having on Board these is a just Reason for their Confiscation, not one Ship of fifty of ours can escape it ; and the Reason of this is plain, not only our own *Affiento* Trade, but the unavoidable Intercourse by Land, betwixt the Subjects of *Britain* and *Spain* (which by the by is allowed by Treaty) occasions a very great Affluence

fluence both of *Spanish* Commodities and Specie in the *British* Plantations, and our Merchants must take them from the Planters in exchange of their Commodities, or give up all Trade with our own Plantations.

I come now to consider two very extraordinary Arguments made use of by this Author in favour of the late Convention. Having taken a general View of the Conduct of *Cromwell* and *Queen Elizabeth* with Regard to *Spain*, he makes this Inference.

It is far otherwise now ; Spain has no such Fleets to be attacked, when she herself is attacked, and no longer terrifies England with her Armadas and Invasions, she can no more face or hurt us at Sea, than we can force her in her Ports and Garrisons at Land.

If after Ages were to form a Judgment of the *Princess* and of the *Usurper*, from their Characters as drawn by this Author, they could not miss to pronounce the former to be a *lucky Woman*, and the latter a *fortunate Madman*. There is indeed no Question but Fortune has a very great Share both in the Disappointment and Success of the best conducted Courage that ever was exerted, and the best formed Designs that ever were laid. But it is as undeniable, that the bravest Man, and the wisest Head has the best Chance of succeeding; and if we are to form a Judgment of the first Characters in History, of *Cæsar* for Instance, we shall find that take them in Pieces in the same manner this

this Author has done these two Characters, they will make but a very indifferent Figure. *Cæsar* was fortunate in having to do with the *Gauls*, a rude and disorderly Multitude ; he was fortunate in having an Army of *Veterans* hardened in the Field, and devoted to himself ; he was fortunate in being driven to Despair by the Ambition of a powerful Rival ; he was fortunate in forcing *Pompey* to leave *Rome* ; in winning the Battle of *Pharsalia* ; in subduing *Egypt* ; and he was fortunate in his Death. But to what was all this Fortune owing ? Was it not owing to his deserving it ? Was it not owing to a cool Head that projected, and a resolute Courage that established his Greatness ? Was not the Fortune of *Cromwell* owing to the same Causes ? And were not the Merits of Queen *Elizabeth* still greater than her Fortune ? Had she fitted out Fleets for *Show*, and maintained Armies merely for a *Parade* we cannot imagine that Providence would have interposed so signally in her Favour, nor that the repeated Invasions of the Nation from Abroad, and the many Attempts of the Friends of a disputed Title at Home, would have been always unsuccessful. If *Cromwell* was in a Condition to give Laws to the rest of *Europe* ; if, as this Author says, he was supported by the *English* Power, the Reason was, because he acted with an *English* Spirit. He was under as many, nay, more Difficulties, both from the Temper of the Nation, and the Situation of

of Foreign Affairs as any Prince that has *yet* succeeded, or any Prince that ever shall succeed him can have. And there is no Prince who acts with equal Resolution, but may have it in his Power to raise the Reputation of *England* to an equal Degree of Greatness. The Fleet he employed was far inferior to what *England* now pays; and the Land Forces he sent Abroad much fewer in Number than we could even in this Time of Peace conveniently spare; as to Queen *Elizabeth*, the great Maxim of her Reign was, that she ruled by no Party, therefore she had no Occasion to employ the Arts of Corruption to attach her Subjects to her Service, a Maxim little known and seldom practised by her Successors. Thus, the general Sense of the Nation was always the same with that of the Government, and the Opposition to her Measures proceeded not from *Dissatisfaction* but from *Disaffection*. The Crown of *Spain*, when she came to the Throne, was aiming at no less than an universal Monarchy, and its Power vastly superior to what it has been since that Period. Therefore, it was no wonder, if, according to this Author, the Friendship of *Spain* was zealously sought by that celebrated Prince, and contemptuously denied her. Nor is there the least Reason for insinuating that she derived any Advantages from her Situation, that may not be acquired by any Prince who sits on the *English* Throne, and shall act upon the same solitary Principles.

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I cannot leave this Head without taking Notice of one very odd Observation of our Author: He says, that Queen *Elizabeth* did but chiefly guard her Coasts and Kingdom against the invading Fleets of Spain. If he had been as well acquainted with the History of Queen *Elizabeth*, as one who undertakes to give the World the Character of her Reign ought to be, he would have found that she sometimes acted upon the offensive as well as upon the defensive, and that too without burthening her People with Taxes. For a Set of private Men acting by her Commission, put about 14000 Land Forces on Board a Fleet of upwards of 100 Sail, and made a Descent upon the Coasts of *Spain* itself, where they indemnified themselves very richly for the Expences they had been at, by taking and plundering several of their Towns, and *Lisbon* itself, which then belonged to the Crown of *Spain*, very narrowly escaped falling into their Hands.

I should not have dwelt so long on these two Subjects had not our Author industriously enlarged upon them, and endeavoured to defend the Conduct of his own Patrons by detracting from their Merit.

I shall now consider two very extraordinary Arguments advanced by this Author in defense of our pacifick Measures with *Spain*. The first is the present Weakness of that Monarchy, which according to him is a good Reason why we should not fall out with her.

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I have many Times heard that the Strength of an Enemy was a good Reason for not *provoking* his *Power*, but it is wholly new that the Weakness of an Enemy should be a good Reason for not *chastising* his Insolence. *Spain*, says he, no longer terrifies us with her Armadas and Invasions; no, but she beggars us with her *Guarda Costas*, she bullies us with her Ministers, and by these Means she hurts our Trade, and wounds our Honour more than it could be in her Power to do in a Time of declared War. *Spain*, continues he, *has no longer such Fleets to be attacked as in the Days of Elizabeth*: No, but she has more formidable Armadas of Pirates and Robbers; she has Settlements abroad which we can seize; she has Towns at Home which we can ruin; she has Returns of Treasure, which if we intercept in all Events and at all Hazards, we deprive her of all the Means of hurting us, and secure to our selves the best Pledge for the Fidelity and Friendship of our commen Allies. *But her mighty and formidable Armadas*, according to our Author, *are now sunk into a few Guarda Costas, mischievous indeed to a few unarmed trading Ships, but shrinking and hiding themselves at the Sight of our Ships of War*. I should be glad to know of this Author, by whose Fault it is that our trading Ships are unarm'd? I should be glad to know of him, if upon the Footing, we have for these twenty Years, been on with *Spain* the Master of a *British* Vessel, were she never so

well armed and superior in Force to the *Guarda Costa*, would have thought it adviseable to have acted any otherwise than upon the defensive, while the *Guarda Costa* was at full Liberty to exercise the most inveterate Cruelty upon him ; or can this Author or his Patrons give any Instance of one of our Ships of War who was impowered to attack these Pirates, or who durst have seized them had they come in her way ?

But the most extraordinary Argument he has yet advanc'd on this Head is, when he came to consider the other Methods by which we can annoy *Spain*. *It is generally well understood*, says he, *by all but the Mob*, *that in seizing the Spanish Plate Fleet, we should seize more of the Property of other Nations than that of Spain*, and perhaps hurt our selves very sensibly. I suppose the Word *Mob* here is a synonymous Term for *sturdy Beggars* ; but I cannot understand how this Author or his Patrons should understand this Affair better than they do ; let us however take a View of the Consequences of this Doctrine. *Spain* has insulted, plundered, and mangled us for about these 20 Years, and we are to have no Reparation, because if we shall seize their Treasures we may seize the Effects of some of our Neighbours along with them. An Author, who reasons in this Manner, must entertain very odd Notions with regard to the Intelligence of our Neighbours ; does he imagine that they are ignorant of the Behaviour of *Spain* towards *Britain* ? And if they are not, can

can he imagine that they suppose us to be so contemptibly weak and cowardly as never to call *Spain* to an Account for her Insults? I should be very sorry, if, from an Observation of our past Behaviour they entertained any such Notion, and still more sorry if it were well grounded. But this Argument, if good for any Thing, proves that there never can be a Time proper for *Britain* to break with *Spain*, be her Provocation ever so great; because there never can be a Time when other Nations have not a large Property in these Ships. But then we are to consider that this Trade betwixt the *Spanish West-Indies* and the Powers of *Europe* is absolutely prohibited by Treaty, so that if we were to seize the Plate Fleet, we seize nothing but what either belongs to *Spain*, or is consigned to *Spanish* Factors. Therefore no Power in *Europe* could reclaim one Shilling's worth of these Effects out of our Hands, because that Power's very reclaiming them is an Acknowledgment of its being concerned in an illicit Trade. For this Reason, the seizing her Plate Fleet has always been looked upon as the most proper way to bring *Spain* to Reason, upon a double Account. First, as by seizing her Treasures we thereby deprive her of the Means of carrying on a War against us; and in the next Place, as we are Masters at Sea we interest the other Powers of *Europe*, who will do all they can to procure us Satisfaction, rather than hazard their Properties on Board that

Fleet falling into our Hands. As to our hurting our selves by such a Measure, I believe the Merchants of *England* know their own Interests much better than to promote any Measures that can be detrimental to themselves, and I dare say there could not be found five Merchants of any Character in *England* trading that way, who, if they had a Voice in the Affair, would not willingly come into the Resolution of our attacking the *Spanish* Plate Fleet at this Juncture.

This Writer next falls foul of the Author of *Considerations*, who says, that *the Trade to our own Plantations is ingrossed by our selves; and other Nations are excluded* — *And we carry it on under such Regulations as are most for our own Advantage.* Our Author here observes “ that he has not convinced us, why the *Spaniards* should not engross to themselves the “ Trade of their own Colonies, why they “ should not regulate their own Trade and “ Navigation to their own best Advantage.” Who hinders them to take all the Precautions possible for making the most they can of their *American* Settlements, provided they keep within the Bounds prescribed by Treaties, and the Law of Nations? But while they do that there is no Reason why they should pretend to regulate the Trade of their Neighbours likewise. They are not to make their *Guarda Costas* Judges of the Course a *British* Vessel ought to hold, and arbitrarily seize and confiscate them if

if she shall depart from the Course they shall prescribe. But it is an odd Observation of the Author's that the *Considerations* have not convinced us why the *Spaniards* should not engross to themselves the Trade of their own Colonies. This they can never do as long as the *Affiento Contract* subsists, tho' they take all the Measures possible for rendering it not only ineffectual but prejudicial to the Nation. As to his Quibble upon engrossing the Trade to our own Colonies, it is not worth while to take Notice of it, any farther than by observing that the Misdemeanors of private Persons has nothing to do with the Intention of a whole People. It certainly was the Intention of our Laws that we should engross all the Trade of our *American* Settlements to our selves, and if this Intention is frustrated by the illicit Practices of private Persons, it says no more in the present Case than if one should maintain, that because there is a great deal of Brandy and Tea smuggled upon the Coast of *England*, therefore the Government does not engross all the Excise upon these two Commodities to itself. But this Author ought to know that there is a great Difference betwixt trading and smuggling; and when we speak of the Trade to our own Plantations, it is always understood to be that Trade which is authorized and protected by Law; and in this Sense there is not the least doubt but we do engross it to our selves.

He is next very angry that the Author of the *Considerations* should call our Plantations the Nursery of our Seamen, and contends that the Coal Trade alone ought to deserve that Name. It is really diverting, and affecting at the same time, to see the Prostitute of a Minister, to serve his Patron's Cause, contradicting the common Sense of Mankind, and making Blunders that every common Tar would be ashamed of. If he would ask one of them, he would inform him, that there is as great a Difference betwixt a Seaman and a Sailor, as betwixt an Officer and a private Centinel ; every Seaman indeed ought to be a Sailor, but every Sailor is not a Seaman. The Coal Trade is indeed the Nursery of the latter, but a Seaman is never looked upon as duly qualified till he has made a Voyage either to the *East-Indies* or *America*.

As to what he asserts about Logwood, Cocoa-Nuts and Pieces of Eight, it is sufficient to say that the Logwood is not the Growth of our own Settlements, yet it is the Product of a Settlement in which we have an undoubted Right, and which never yet was given up by the Crown of *Britain* to any other Power. In the Year 1717, when our Right to cutting Logwood was in Dispute betwixt us and *Spain*, his late Majesty referr'd the Consideration of that Affair to the Lords of Trade and Plantations, who gave it as their Opinion that our Right to cut Logwood was undoubted. As to Cocoa-Nuts and Pieces of Eight, our Author allows

allows that we have the former in our own Plantations ; and it is evident that not only the *Affiento* Trade, but the daily Intercourse by Land, betwixt our Colonies and the *Spaniſh* Settlements, necessarily introduces great Quantities of that Specie amongst the *British* Subjects ; which they are obliged to dispose of to Merchants and Masters of Vessels trading to *Britain* ; therefore if having Pieces of Eight on Board is a just Ground of confiscating an *English* Vessel, it is almost impossible for any betwixt *America* and *Britain* to escape.

Our Author next becomes an Advocate for *Spanish* Justice, and asks what the Writer of the *Considerations* thinks of our trying *Spaniards* ? Really if we proceed in the same Method against *Spaniards* as *Spaniards* proceed against *Englishmen*, every honest Man will think very ill of it. For how can that be called a *Trial* where the Judges have nothing to do but to decide, and where the Person tried is not only deprived of all Access to Counsel, but even of the Liberty of bringing his own Papers as Vouchers of his Conduct ? Or how can that be called a *Trial* when the Judges have an immediate Interest in giving it against the weakest Party ? There are I know different Forms of Justice peculiar to each Country, but then these Forms never affect Justice itself, nor break in upon the first Principles of Equity, otherwise it is establishing Iniquity by Law, and

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becomes the just Objects of a national Resentment.

The other Particulars of this Author's Pamphlet have I hope been fully answered by the general Marks I have already laid down ; I shall only repeat that tho' this Author should bring five thousand Instances of Barbarities and Robberies committed by *Englishmen* upon *Spaniards*, none of them can be to his Purpose, unless he could prove, that the Authors were commissioned and protected by our Government ; and tho' he should bring daily Instances of the Right which our Ships have to search those of other Nations on the *English Coasts*, they prove nothing, unless he can make it appear that all Trade betwixt *Great-Britain* and *Spain* is as much prohibited, as all Trade betwixt *Great-Britain* and the *Spanish Settlements in America*.

There is however one Observation of this Author which may deserve Notice, which is, that he is very angry with the Writer of the *Considerations*, for asserting that *all Nations trading to America have an equal Interest and common Cause with England, if she engaged in a War with Spain*. This Assertion would certainly be false, if the War were undertaken on Account of any particular Rights or Possessions which *England* claims : But as the Ground of a War with *Spain* at this Juncture is a Right which all Nations trading to *America* claim in common, and without which they

they cannot carry on their Navigation there ; the Assertion is undeniably just, because there is nothing that affects us at present but what may equally affect them in time to come.

I shall now take the Liberty to examine one Position, upon which most that is either said or wrote in defence of this Convention is founded. The Advocates for our present Measures say, why should the People pretend to be Judges of what is fitting for Government to do, and why should our Merchants interpose in an Affair that has already been settled betwixt the King of *Spain* and the Crown of *Britain*? This is an extreme good Argument, when the Measure of Justice is the absolute Will of a King, or what is the same Thing, of a Minister, but a very bad one in a Country where the established Government is founded on a Principle, that the Prince in his political Capacity ought to exert no *Will*, but what tends to promote the Good of the Subject. The Author I have been answering says very truly, *Liberty is bounded by Law*, but then that Law is, or ought to be the Law that secures the Property of the Subject, beyond the Power of being affected by the *Will*, or the *Caprice* of any Monarch, or any Minister whatsoever ; any other Law is a Law unknown to a free People ; at least, it is a Law that the People of *England* have always understood to be subservient to the great Law which founds all free Governments, the **SAFETY OF THE PEOPLE.** A free People al-

ways will make themselves Judges of what Measures are taken to strengthen or weaken this great Law ; and it is fit they should, otherwise no Measure however tyrannical, no Practice however corrupt, could be warrantably opposed, if they are countenanced by Government ; and that both tyrannical Measures and corrupt Practices have been illegally countenanced by Government, and legally opposed by the People, the present happy Establishment upon the Revolution footing is an Instance. Therefore, any Man who advances, that because Government is for a Measure, therefore the People of *Britain* ought not to oppose that Measure, tho' that Measure opposes all the Rules of common Sense, by which a People judge how far the great and the primary Law of Self-Preservation is affected : I say, any Man who advances that is ignorant of the first Principles of Liberty, and ought to be deemed a Traytor to all the Interests and Government of a free People ; he ought more particularly to be held so by all loyal Subjects in *Britain*, because had it not been for this Principle we had not at this Day possessed the Shadow of Liberty.

But having said all this, I am as far from thinking that the People of *England* ought to bring their Complaints before their Representatives against their Government, in a tumultuous, or an indecent Manner, as I am from thinking that any Application the People has made

made on this Occasion for Redress of past Grievances or Prevention of future, has been either tumultuous or indecent. They ought to keep within the Decency, without which no Power can have *Authority*, and no Government can claim *Respect*. But it is ridiculous to say that either *Authority* or *Respect* will wait upon a Power or Government, that does not leave to the People the Exercise, and the proper Weight too, of those very Rights that make them free.

To apply what I have said on this Head, I shall suppose a Case that never can happen under any Prince now alive of the Royal Family upon the Throne, but possibly may, should the Government of these Nations fall into Hands less tender of the Rights of the People. A King of *Britain* has a Difference with a neighbouring Power, who obstinately and positively lays Claim to a Right or a Possession belonging to *Great-Britain*, and which never had been denied, or even doubted of : At the same time it is of such Consequence not to give it up, that if it is given up the Nation must be ruined. The Prince upon the Throne is however so obstinate that he is resolved to purchase the Friendship of that Prince, at the Price of the disputed Right or Possession. Now in such a Case, the Question does not lye how far it is expedient or not expedient to give up this Point, for every Man who understands Liberty, knows that the Voice of the People never

never was in the Wrong; but, if it is in the Prince's Power by his Prerogative to dispose of it without the Concurrence, and against the unanimous Voice of his People, how far such a Doctrine, if maintained in the Affirmative, would be agreeable to the Maxims upon which our present Constitution is founded, let any one judge who knows so much of the History of *Britain*, as to perceive that the most valuable Accessions to the Liberties of her People, were acquired in the Struggle betwixt the Subjects jealous of Rights, and the Crown tenacious of Prerogative.

F I N I S.



